

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED BY CLERK'S OFFICE

DEC 02 2003

THOMAS, Clerk
B. Jackson

IN RE: TRI-STATE CREMATORY : MDL DOCKET NO. 1467
LITIGATION :
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:
This document relates to all actions. :

LOVE FUNERAL HOME, INC.'S
MOTION TO HOLD ITS PENDING MOTIONS IN ABEYANCE

COMES NOW Love Funeral Home, Inc. ("LFH"), by and through its undersigned counsel, and hereby moves the Court for an Order holding in abeyance or staying the pending Motion for Summary Judgment and the Motion to Strike the Affidavit of James J. Jaconetti filed by LFH and currently pending, respectfully showing the Court as follows:

LFH has tentatively settled Plaintiffs' claims against it as of November 17, 2003. At a hearing on November 20, 2003, the Court preliminarily approved the proposed terms of the settlement. LFH and Plaintiffs are negotiating the exact terms of the Settlement Agreement and anticipate that they will be able to present the Settlement Agreement to the Court on December 4, 2003 for approval. If the Court approves of the Settlement Agreement, the parties shall commence the claims process, which is expected to take sixty to ninety days, culminating in a fairness hearing wherein anyone with an objection to the settlement may be heard. At that hearing, the Court will have the authority to provide final approval of the

settlement or to terminate the agreement returning the parties to the status quo ante.

LFH respectfully requests that its pending Motions be held in abeyance or stayed pending one of two possible outcomes of the settlement agreement. If the settlement agreement is approved and found to be fair after the fairness hearing, such that LFH may be dismissed from this litigation by Court Order, the pending Motions could be dismissed without prejudice as moot. Alternatively, in the event the settlement agreement is terminated, either by the Court or by the parties, the pending Motions could then be ruled upon by the Court without any prejudice to the parties.

Accordingly, LFH respectfully requests that the Court enter an Order granting this Motion and staying or holding in abeyance LFH's pending Motion for Summary Judgment and Motion to Strike Affidavit of James J. Jaconetti.

Respectfully submitted, this 1st day of December, 2003.

WEINBERG, WHEELER,
HUDGINS, GUNN & DIAL, LLC



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing pleading via hand delivery or United States Mail, first class postage prepaid and affixed thereto, addressed to:

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T. Ray Brent Marsh; Clara C. Marsh

This 1st day of December, 2003.

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